

Message Text

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PAGE 01 DAKAR 01035 230901Z

17

ACTION DLOS-04

INFO OCT-01 AF-06 NEA-10 IO-11 ISO-00 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 FEA-01 ARA-06 EA-07 EUR-12 /148 W

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R 211113Z FEB 76

FM AMEMBASSY DAKAR

TO SECSTATE WASHDC 3904

INFO AMEMBASSY ABIDJAN

AMEMBASSY ACCRA

AMEMBASSY CONAKRY

AMEMBASSY COTONOU

AMEMBASSY FREETOWN

AMEMBASSY LAGOS

AMEMBASSY LOME

AMEMBASSY MONROVIA

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

AMCONSUL CASABLANCA

US MISSION GENEVA 0326

AMEMBASSY BANJUL BY POUCH

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CASABLANCA FOR REGIONAL FISHERIES ATTACHE

E.O. 116528).020A

TAGS: PLOS, SG

SUBJ: SENEGAL CONSIDERING EXTENSION OF TERRITORIAL WATERS

TO 150 MILES

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PAGE 02 DAKAR 01035 230901Z

1. SUMMARY: DRAFT LAW UNDER CONSIDERATION BY GOS WOULD EXTEND TERRITORIAL WATERS TO 150 MILES AND FIX CONTINENTAL SHELF (WITHIN WHICH GOS CLAIMS EXCLUSIVE FISHING RIGHTS) AT 200 MILES. BILL WAS INTRODUCED BY MINISTRY OF RURAL DEVELOPMENT (WHICH IS RESPONSIBLE FOR FISHING) AND HAS BEEN APPROVED BY CABINET COUNCIL, BUT FOREIGN MINISTRY EMPHASIZED THAT MEASURE IS STILL IN DRAFT. FOREIGN MINISTRY INSISTS GOS WILL CONTINUE TO SUPPORT 12-MILE TERRITORIAL SEAS IN LOS NEGOTIATIONS AND WILL DEFER TO INTERNATIONAL CONSENCUS IF LOS CONFERENCE REACHES AGREEMENT ON 12-MILE LIMIT. SENIOR MINISTRY OFFICIAL DEFENDED PROPOSED MOVE TO EMBOFF ON GROUNDS OF PROTECTING NATIONAL ECONOMIC RESOURCES, BUT SUGGESTED THAT GOS MAY AWAIT OUTCOME OF LOS CONFERENCE BEFORE TAKING FINAL ACTION. END SUMMARY.

2. IN FEBRUARY 3 MEETING, SENEGAL'S CABINET COUNCIL ADOPTED DRAFT LAW EXTENDING WIDTH OF TERRITORIAL WATERS TO 150 NAUTICAL MILES AND FIXING "WIDTH OF CONTINENTAL SHELF" AT 200 NAUTICAL MILES. ACCORDING TO OFFICIAL STATEMENT EXPLAINING DECISION, "AS THE RECENT CONFERENCES ON LAW-OF-SEA ORGANIZED BY THE UNITED NATIONS AT CARACAS AND GENEVA HAVE PRODUCED FEW POSITIVE RESULTS WITH RESPECT TO EQUITABLE EXPLOITATION OF FISHING RESOURCES, SENEGAL, LIKE NUMEROUS OTHER STATES, HAS DECIDED TO EXTEND ITS TERRITORIAL WATERS."

3. SENEGAL'S TERRITORIAL WATERS PREVIOUSLY HAD BEEN DIXED AT 12 NAUTICAL MILES, AND EXCLUSIVE FISHING ZONE OF 110 MILES (BEYOND TERRITORIAL SEAS) HAD BEEN IN EXISTENCE SINCE 1972. SENEGALESE POLICY HAS BEEN TO CLAIM EXCLUSIVE FISHING RIGHTS ON CONTINENTAL SHELF, AND REFERENCE TO EXTENDING "WIDTH OF CONTINENTAL SHELF" APPARENTLY REFLECTS VIEW THAT SHELF EXTENDS AS FAR AS 200 MILES AT SOME POINTS.

4. EMBOFF DISCUSSED DRAFT LAW FEB. 20 WITH DOUDOU DIOP, DIRECTOR-DESIGNATE FOR JURIDICAL AND CONSULAR AFFAIRS IN SENEGALESE FOREIGN MINISTRY. DIOP ARGUED THAT MEASURE, AS IT NOW STANDS, IS SOLELY INTERNAL GOS MATTER. HE EMPHASIZED THAT IT HAD NOT YET BEEN CONSIDERED BY NATIIOAL LIMITED OFFICIAL USE

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PAGE 03 DAKAR 01035 230901Z

ASSEMBLY, SIGNED BY PRESIDENT OR PUBLISHED IN OFFICIAL JOURNAL ALL OF WHICH WOULD BE NECESSARY FOR IT TO HAVE STATUS OF LAW. HE MADE POINT THAT POSITIONS USG AND GOS TAKE IN INTERNATIONAL NEGOTIATIONS DOE NOT NECESSARILY CORRESPOND WITH PROPOSED POLICIES BEING CONSIDERED ELSEWHERE IN RESPECTIVE GOVERNMENT. DIOP SAID MEASURE HAD BEEN INTRODUCED BY MINISTRY OF RURAL DEVELOPMENT AND WATER RESOURCES (WHICH HAS

RESPONSIBILITY TO FISHERIES), RATHER THAN FOREIGN MINISTRY.

AS LAW WAS STILL IN DRAFT, IT HAD NOT YET BEEN DISCUSSED WITH SUCH NEIGHBORING STATES AS GAMBIA AND CAPE VERDE. HE STRESSED THAT SENEGAL HAD NO "AGGRESSIVE" INTENTION, BUT SIMPLY SOUGHT TO TAKE MEASURES TO PROTECT ITS NATURAL RESOURCES AS, HE POINTED OUT, "EVEN LEGISLATURE OF COUNTRIES AS RICH AS US FELT OBLIGATED TO DO" (BY ENACTING 200-MILE FISHERIES ZONE).

5. MAINTAINING DISTINCTION BETWEEN INTERNAL LEGISLATIVE PROCESS AND EXECUTION OF FOREIGN POLICY, DIOP INSISTED THAT SENEGAL WOULD CONTINUE TO SUPPORT 12-MILE TERRITORIAL SEA LIMIT IN LOS NEGOTIATIONS. HE SUGGESTS THAT GOS WAS LIKELY TO AWAIT END OF LOS CONFERENCE BEFORE IMPLEMENTING MEASURE, SO THAT CONFERENCE CONCLUSIONS COULD BE TAKEN INTO ACCOUNT. HE CLAIMED THAT, IF LOS NEGOTIATIONS PRODUCED AGREEMENT ON 12-MILE LOS LIMIT, GOS WAS PREPARED TO ABIDE BY INTERNATIONAL CONSENSUS.

6. COMMENT: ONCE DRAFT LAW APPROVED BY CABINET COUNCIL ENACTMENT BY NATIONAL ASSEMBLY IS USUALLY PRO FORMA, ESPECIALLY SINCE PRESIDENT SENGHOR PRESIDES OVER COUNCIL'S DELIBERATIONS. HOWEVER, SENEGAL IS PRIMARILY CONCERNED WITH ASSERTING SOVEREIGNTY OVER NATURAL RESOURCES ON CONTINENTAL SHELF (OF WHICH ONLY SIGNIFICANT RESOURCE IS FISHING, IN DIOP'S VIEW), WHILE EXTENT OF TERRITORIAL WATERS IS SEEN AS LESS CRITICAL; IN VIEW OF DIVERGENCE OF POSITION BETWEEN MINISTRIES CONCERNED, SENEGAL'S FIRM PAST SUPPORT FOR 12-MILE TERRITORIAL SEA LIMIT, POSSIBLE POLITICAL PROBLEMS WITH NEIGHBORS WHICH 150-MILE JURISDICTION WOULD CREATE, DIFFICULTY OF ENFORCING CLAIM, AND STATED COMMITMENT TO INTERNATIONAL LAW, IT IS CONCEIVABLE THAT SENEGAL MAY REMAIN LIMITED OFFICIAL USE

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PAGE 04 DAKAR 01035 230901Z

WILLING ACCEPT 12-MILE LIMIT, AS DIOP SAYS, IF LOS CONFERENCE REACHES AGREEMENT. END COMMENT.

7. WHEN DIOP ALLUDED TO CONGRESSIONAL LEGISLATION ON FISH-

ERIES SONE, EMBOFF BRIEFED HIM ON MCLUS OF BILLS PASSED BY HOUSE AND SENATE, DRAWING ON STATE 023425.

8. DIOP SAID HE AND AMBASSADOR AMADOU MOCTAR CISSE WERE SCHEDULED TO TRAVEL TO NEW YORK ON FEB 27 FOR PRELIMINARY CONSULTATIONS WITHIN GROUP OF 77 BEFORE COMMENCEMENT OF LOS CONFERENCE. HOWEVER, HE NOW HOPED TO DELAY DEPARTURE SOMEWHAT DUE TO PRESS OF BUSINESS IN MINISTRY.

AGGREY

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